

**LEGISLATIVE SERVICES AGENCY
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

301 State House
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FISCAL IMPACT STATEMENT

LS 6532

BILL NUMBER: SB 154

DATE PREPARED: Dec 21, 2000

BILL AMENDED:

SUBJECT: Timber Regulation.

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FUNDS AFFECTED: ☒ **GENERAL**
☒ **DEDICATED**
FEDERAL

IMPACT: State & Local

Summary of Legislation: This bill establishes the Indiana Forestry Advisory Council to provide recommendations to improve forestry practices and programs in Indiana. The bill provides that a person who, after an initial violation, knowingly or intentionally commits a subsequent unrelated violation of buying timber without first securing a registration or refusing to allow the inspection of the person's records, commits a Class D felony. The bill also provides for the initial terms of the Indiana Forestry Advisory Council to be staggered. (The introduced version of this bill was prepared by the Natural Resources Study Committee.)

Effective Date: July 1, 2001.

Explanation of State Expenditures: The eight members of the Council serve without compensation but are entitled to reimbursement for traveling expenses and other expenses incurred in connection with the members' duties. Assuming that the Council met 12 times during the year and assuming that the average mileage round trip for the meeting is 100 miles per member, mileage costs are estimated at \$2,688 (8 members multiplied by 12 meetings multiplied by 100 miles multiplied by \$0.28). Mileage would be paid from the appropriations made to the Department of Natural Resources (DNR). The DNR would also experience additional costs associated with providing staff support for the Council. These additional costs could be absorbed given the Department's current budget.

A person who, after an initial violation, knowingly or intentionally commits a subsequent unrelated violation of buying timber without first securing a registration or refusing to allow the inspection of the person's records, commits a Class D felony. A Class D felony is punishable by a prison term ranging from six months to three years or reduction to Class A misdemeanor depending upon mitigating and aggravating circumstances. The average expenditure to house an adult offender was \$20,700 in FY 1999. Individual facility expenditures ranged from \$14,936 to \$37,807. (This does not include the cost of new construction.) If offenders can be housed in existing facilities with no additional staff, the average cost for medical care,

food, and clothing is approximately \$1,825 annually, or \$5 daily, per prisoner. The average length of stay in Department of Correction (DOC) facilities for all Class D felony offenders is approximately ten months.

Explanation of State Revenues: If additional court cases occur and fines are collected, revenue to both the Common School Fund and the state General Fund would increase. The maximum fine for a Class D felony is \$10,000. Criminal fines are deposited in the Common School Fund. If the case is filed in a circuit, superior, or county court, 70% of the \$120 court fee that is assessed and collected when a guilty verdict is entered would be deposited in the state General Fund. If the case is filed in a city or town court, 55% of the fee would be deposited in the state General Fund.

Explanation of Local Expenditures: If more defendants are detained in county jails prior to their court hearings, local expenditures for jail operations may increase. The average cost per day is approximately \$44.

Explanation of Local Revenues: If additional court actions occur and a guilty verdict is entered, local governments would receive revenue from the following sources: (1) The county general fund would receive 27% of the \$120 court fee that is assessed in a court of record. Cities and towns maintaining a law enforcement agency that prosecutes at least 50% of its ordinance violations in a court of record may receive 3% of court fees. (2) A \$3 fee would be assessed and, if collected, would be deposited into the county law enforcement continuing education fund. (3) A \$2 jury fee is assessed and, if collected, would be deposited into the county user fee fund to supplement the compensation of jury members.

State Agencies Affected: Department of Natural Resources and the Department of Correction.

Local Agencies Affected: Trial courts, local law enforcement agencies.

Information Sources: Indiana Sheriffs Association, Department of Correction.